

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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DIANE MESSER, a/k/a DIANE M. McCUTCHEON,	:	
and CHARLES MESSER,	:	
Plaintiffs,	:	CIVIL ACTION
v.	:	NO. 11-4144
	:	
FIRST FINANCIAL FEDERAL CREDIT UNION	:	
OF MARYLAND,	:	
Defendant.	:	
	:	

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**ORDER**

AND NOW, this 30th day of July 2012, upon consideration of Defendant's Motion to Dismiss Plaintiffs' Second Amended Complaint [Doc. No. 13]; Plaintiffs' Response in Opposition thereto [Doc. No. 20]; Defendant's Reply [Doc. No. 21]; and Plaintiffs' Sur-Reply [Doc. No. 24]; and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby ORDERED that Defendant's Motion is **GRANTED in part and DENIED in part**, as follows:

1. Defendant's Motion is **GRANTED** as to Count IV (Intentional Infliction of Emotional Distress); accordingly,
  - (a) as to Plaintiff Charles Messer, Count IV is **DISMISSED with prejudice**; and
  - (b) as to Plaintiff Diane Messer, Count IV is **DISMISSED without prejudice**, with leave to amend within twenty-one (21) days of the date of this Order; and
2. Defendant's Motion is **GRANTED** as to Count V (Loss of Consortium), which is **DISMISSED with prejudice**; and
3. Defendant's Motion is **DENIED** as to Counts I-III.

It is so ORDERED.

BY THE COURT:

/s/ **Cynthia M. Rufe**

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**CYNTHIA M. Rufe, J.**